

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MONTY P. MILBOURNE,	:	
	:	
Petitioner,	:	Civ. No. 20-0012 (NLH)
v.	:	
	:	ORDER TO ANSWER
RICHARD SMITH,	:	
	:	
Respondent.	:	

Petitioner is a prisoner currently incarcerated at the Cumberland County Department of Corrections in Bridgeton, New Jersey. ECF No. 1.

In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the Petition for dismissal and determined that dismissal without an answer and production of the record is not warranted.

Therefore, IT IS on this 1st day of April, 2020,

ORDERED that the Clerk shall serve a copy of the Petition, ECF No. 1, and this Order upon the Cumberland County Prosecutor's Office and the New Jersey Attorney General's Office by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that, where the Petition appears to be beyond the jurisdiction of the Court, within twenty-one (21) days of the

date this Order is filed,¹ Respondent may file a Motion to Dismiss the Petition on jurisdiction grounds only; and it is further

ORDERED that, if a Motion to Dismiss is filed, Petitioner shall have fourteen (14) days to file an opposition brief, in which Petitioner may argue any bases for jurisdiction, and to which Petitioner may attach any relevant exhibits; and it is further

ORDERED that, if Petitioner files an opposition, Respondent shall have ten (10) days to file a reply brief; and it is further

ORDERED that, if the Motion to Dismiss is subsequently denied, the Court will then direct Respondent to file a full and complete answer to all claims; and it is further

ORDERED that if Respondent does not file a Motion to Dismiss the Petition, the Respondent shall file a full and complete answer to all claims asserted in the Petition within thirty (30) days of the entry of this Order; and it is further

¹ Chief Judge Freda Wolfson issued Standing Order 20-04 on March 24, 2020 extending the filing deadlines in civil cases for an additional 45 days, subject to the presiding judge's direction. Petitioner alleges he has been detained without trial or charges for two years and is currently ill. In light of the extenuating circumstances posed by COVID-19, the Court exercises its discretion to expedite briefing on this matter.

ORDERED that Respondent shall file and serve with the answer certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses; and it is further

ORDERED that within twenty-one (21) days of receipt of the answer, Petitioner may file a reply to the answer; and it is further

ORDERED that any request to deviate from this Order to Answer shall be made by motion; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.